

REMARKS

The present amendment is respectfully submitted in response to the outstanding Office Action of October 11, 2006. Entry of the amendment, and a reconsideration of the claims as amended, are respectfully requested.

Turning to the Office Action Summary (Form PTOL-326), claims 1 through 23 are pending in the application. In the action, all have been rejected on the basis of the prior art. It is noted with appreciation, however, that claims 3 through 5 are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Before discussing the rejections made on the basis of the prior art, the Examiner will note that claim 1 has been amended above to more particularly point out what is considered to be the invention. Support for the amendment may be found most clearly in Figure 6, which shows the base partition 30 extending from the hinge 16 to the locking flap 18, and the lid partition 26 extending from the hinge 16 toward a face 24 of the lid portion 12 opposite to the hinge 16, leaving a gap 28 between the lid partition 26 and the face 24. This amendment is submitted to be well supported in the specification. Its entry is respectfully requested.

Turning now to page 2 of the action, claims 1, 2, 6 through 10, 14 through 16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable for obviousness over Clark et al. (U.S. Patent No. 5,094,355) in view of Vadney (U.S. Patent No. 5,947,321). Clark et al. shows a food container whose bottom and lid have partitions which abut against one another to isolate individual compartments from one another. Vadney shows a single-compartment container which may be locked into a closed condition with a locking member located on the lid or on a flap attached to the bottom, as is the case with the present invention. While the container in

Clark et al. has locking member located on the lid, the mere substitution of that locking member for one in the form of a flap on the bottom would not produce the container toward which claim 1, as amended above, is directed. Clark et al. does not show or suggest a container having a base partition extending from a hinge across to a locking flap opposite the hinge. Nor does it have a lid partition extending from the hinge toward a face of the lid portion opposite to the hinge. Claim 1 is accordingly respectfully submitted to be patentable over the combined teachings of Clark et al. and Vadney.

Claims 2, 6 through 10, 14 through 16 and 18 are all directly or ultimately dependent from claim 1 and further limit the subject matter claimed therein. It is respectfully submitted that these claims are patentable over the combined teachings of Clark et al. and Vadney as further limiting the subject matter claimed in allowable claim 1.

Turning to page 4 of the action, claims 11 through 13, 20 and 23 were rejected as being unpatentable for obviousness over Clark et al. in view of Vadney, and further in view of Nordland et al. (U.S. Patent Application Publication No. US 2005/0000966 A1). Nordland et al. shows a container having vents on its lid. Be that as it may, Nordland et al. does not show what is lacking in the combined teachings of Clark et al. and Vadney as discussed above in connection with claim 1. That is to say, Nordland et al. does not show or suggest a base partition and a lid partition as now set forth in claim 1. Claims 11 through 13, 20 and 23 are respectfully submitted to be patentable over the combined teachings of Clark et al., Vadney and Nordland et al. as further limiting the subject matter claimed in allowable claim 1.

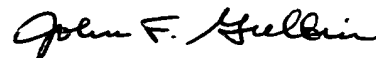
Referring to page 5, claim 17 was rejected as being unpatentable for obviousness over Clark et al. in view of Vadney and further in view of Eicholtz et al. (U.S. Patent No. 3,595,425). Eicholtz et al. shows a container having a feature on the bottom which permits vents

on the top to vent properly when the containers are stacked. Be that as it may, Eicholtz et al. does not show what is lacking in the combined teachings of Clark et al. and Vadney as discussed above in connection with claim 1. That is to say, Eicholtz et al. does not show or suggest a base partition and a lid partition as now set forth in claim 1. Claim 17 is respectfully submitted to be patentable over the combined teachings of Clark et al., Vadney and Eicholtz et al. as further limiting the subject matter claimed in allowable claim 1.

Finally, it is noted that the Examiner made no mention of claims 19, 21 and 22 in the action, although each depends, directly or ultimately, from claim 18, which was rejected.

In view of the above, the Examiner is respectfully requested to reconsider the rejection of claim 1, and to allow this claim, and claims 2 through 23 which directly or ultimately depend therefrom, at an early date.

Respectfully submitted,



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